UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,667	02/04/2002	Thomas H. Taylor	14531.140	7106

47973 7590 05/25/2005

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER	
AWAD, AMR A	

ART UNIT	PAPER NUMBER
2675	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/067,667	TAYLOR, THOMAS H.	
	Examiner	Art Unit	
	Amr Awad	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38 and 40-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38 and 40-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7,10-29 and 32-38 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over F*rank et al (U.S.* Patent 5,651,107) in view of Bertram et al. (US patent NO. 5,652,630; hereinafter referred to as Bertram).

Regarding **independent claims 1,12 and 17,** and for **claims 21 and 22,** Frank teaches a system that is capable of displaying a video stream that is received from a video source, and displaying a user interface with a video stream in a single display window by teaching how to simultaneously display overlapping display objects on the display, each of the display objects having a degree of transparency determined by the transparency values associated with each of the display objects, such that the overlapping display objects are simultaneously visible on the display, and such that at least one of the display objects has two or more degrees of transparency (column 10, lines 55-62).

Furthermore, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55) wherein the user interfaces are represented by the multiple windows and the video stream are represented by the multiple images that are blended together (column 2,

lines 38-55). Furthermore, Frank teaches how to display screen data in the display window wherein a view of the video in the display window is dependent on a level of transparency of the menu bar *30 (see* figure 8,10). Also, Frank teaches a means of receiving an input from a user via a cursor control device 28 (see column 4, lines 57-67).

Furthermore, Frank teaches a technique for defining a transparency property indicating the degree of transparency of an image in a particular layer and a method of adjusting the level of transparency of a display device according to the input received from the user by teaching a method of selectively adjusting the one or more transparency values further includes displaying an image of a slider, said slider being adjustable by the user through the use of the cursor control device to selectively adjust said one or more transparency values *(see* column 11, lines 8-13).

Frank does not expressly teach that the system includes a set0top box (TV), and wherein the input comprising selection of one or more buttons on a remote control device of the set-top box.

However, Bertram (figure 1) teaches a video display which may be a television receiver (10) with associated set top device (30) and remote control (20) (abstract), and wherein the device is capable of overlaying both the video user interface (figures 14 and 16) (col. 40, lines 23-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Bertram, using the overlay displaying of the user interface and the video stream in a set-top box, to be used in

Frank's device so as motivated by Bertram, to have a remote control with access to the resources of the system with which it is related, and wherein the navigation among functions available and resource allocation is accomplished by display of on-screen images which overlay or modify the images derived from the video/audio streams entering the television space, and which is accomplished by minimal buttons (col. 2, lines 19-25).

Regarding **independent claims 23 and 34, and for claim 35,** Frank teaches a system that is capable of displaying a video stream that is received from a video source, and a computer program (figure 2 at 50, 54, 56) that implements simultaneously displaying a user interface with *a* video stream in a single display window by teaching how to simultaneously display overlapping display objects on the display, each of the display objects having a degree of transparency determined by the transparency values associated with each of the display objects, such that the overlapping display objects are simultaneously visible on the display, and such that at least one of the display objects has two or more degrees of transparency (column 10, lines 55-62). Furthermore, Frank teaches a computer readable medium having executable instructions for the above method (see figures 1, 2 at 10, 14, 16, 50, 56). Furthermore, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55) wherein the user interfaces are represented by the multiple windows and the video stream are represented by the multiple images that are blended together (column 2, lines 38-55).

Furthermore, Frank teaches how to display screen data in the display window wherein a view of the video in the display window is dependent on a level of transparency of the menu bar *30 (see* figure 8,10). Also, Frank teaches a means of receiving an input from a user via a cursor control device 28 (see column 4, lines 57-67). Furthermore, Frank teaches a technique for defining a transparency property indicating the degree of transparency of an image in a particular layer and a method of adjusting the level of transparency of a display device according to the input received from the user by teaching a method of selectively adjusting the one or more transparency values further includes displaying an image of a slider, said slider being adjustable by the user through the use of the cursor control device to selectively adjust said one or more transparency values *(see* column 11, lines 8-13).

Frank does not expressly teach that the system includes a set0top box (TV), and wherein the input comprising selection of one or more buttons on a remote control device of the set-top box.

However, Bertram (figure 1) teaches a video display which may be a television receiver (10) with associated set top device (30) and remote control (20) (abstract), and wherein the device is capable of overlaying both the video user interface (figures 14 and 16) (col. 40, lines 23-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Bertram, using the overlay displaying of the user interface and the video stream in a set-top box, to be used in Frank's device so as motivated by Bertram, to have a remote control with access to the

resources of the system with which it is related, and wherein the navigation among functions available and resource allocation is accomplished by display of on-screen images which overlay or modify the images derived from the video/audio streams entering the television space, and which is accomplished by minimal buttons (col. 2, lines 19-25).

Regarding claims 2, 20 and 24, in further discussion of claims 1, 19 and 23, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55).

Regarding claims 3 and 25, in further discussion of claims 1 and 23, Frank teaches a means of receiving an input from a user via a cursor control device 28 (see column 4, lines 5767).

Regarding **claims 4, 5,14,16, 26, 27, 36 and 38,** in further discussion of claims 3, 12, 13, 25, 34 and 35, Frank teaches selectively adjusting, by user interface means, the one or more transparency values associated with at least one of the overlapping display objects, such that the transparency of the at least one display object is continuously variable from fully opaque to fully transparent (column 10, lines 63-67).

Regarding claims 6,13 and 28, in further discussion of claims 1, 12 and 23, Frank teaches how the user interface windows 255, 260 comprise one or more items that each have a level of transparency wherein a user would adjust a level of transparency for a selected item without adjusting levels of transparency for non-selected items (see column 9, lines 25-58, figure 8 at 255, 260).

Regarding claims 7, 19 and 29, in further discussion of claims 1, 17, 23, Frank teaches how to adjust the level of transparency that comprises displaying a transparency control i.e.
slide bar 264, on the display device wherein the slide bar 264 is used to select a level of transparency that applied to the user interface 260 (see column 9, lines 25-41).

Regarding **claims 10,11,15, 32, 33 and 37,** in further discussion of claim 1, 13, 23, 35, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending (column 2, lines 38-55) wherein the user interfaces are represented by the multiple windows and the video stream are represented by the multiple images that are blended together (column 2, lines 38-55).

With respect to claims 40-42, as can be seen above, the combination of two references includes a set top device with a remote control (with mute button as required by claim 42) that can overlay a selection icons on video image (taught by Bertram), and display device that enables the user to control the transparence of the images. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize that changing the transparency by changing the volume would be easy using such combination because changing the volume requires the volume key to be displayed on the display in Bertram's device, and that would prompt a change in transparency in Frank's device. This is obvious because it merely a designer choice that can be done using the teaching of Frank.

3. Claims 8, 9, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Frank et al (U.S.* Patent *5,651,107) and Bertram* in view of *Yoneda (U.S. 6,587,118).*

Regarding **claim 8, 9, 30 and 31,** in further discussion of claim 1 and 23, Frank and Bertram do not teach how the screen data comprises retrieving content from a network wherein the content is included in the user interface.

On the other hand, Yoneda teaches this concept by teaching an image displaying processing method, a medium including an image displaying processing program stored thereon, and an image displaying processing apparatus are disclosed which allow a menu bar or the like to be displayed in a semi-transparent fashion such that an image and/or a character in an underlying layer can be seen through the menu wherein an HTML file acquired from the WWW server 1 is displayed on the display screen 29 such that a text (ABCDEFG. . . XYZ) of a home page and a menu bar 30 are superimposed *(see* Abstract; *see* also column 4, lines 19-36, figures 3A, 3B, 3C).

Therefore, it would have been obvious to a person of ordinary skill in the art to combine Frank's modified device and Yoneda because while Frank teaches a method of adjusting the level of transparency of a display device according to the input received from the user by teaching a method of selectively adjusting the one or more transparency values further includes displaying an image of a slider, said slider being adjustable by the user through the use of the cursor control device to selectively adiust said one or more tranWarency values *(see* column 11, lines 8-13), Yoneda teaches how screen data on the display would comprise retrieving content from a network wherein

the content is included in the user interface *(see* Abstract; *see also* column 4, lines 1936, figures 3A, 3B, 3C). The motivation for combining these inventions would have been to design an interface that allows a user to click a particular part of the visual information in a second layer while viewing the visual information in the first layer under the second layer *(see* Abstract; *see also* column 8, lines 24-45).

Response to Arguments

4. Applicant's arguments with respect to claims 1-38 and 40-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (571) 272-7764. The examiner can normally be reached on Monday through Fridary from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkwitz can be reached on (571)272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. A.

AMR A. AWAD
PRIMARY EXAMINER